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September 24, 2012

Via ECFS

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: American Cable Association (“ACA”), *Ex Parte* Meeting on Data Request:
Special Access Rates for Price Cap Local Exchange Carriers, WC Docket No. 05-25,
RM-10593**

Dear Ms. Dortch:

On September 21, 2012, the undersigned, Thomas Cohen of Kelley Drye & Warren LLP on behalf of ACA, met with the following Wireline Competition Bureau staff: Nick Alexander, Deena Shetler, Betsy McIntyre, Jamie Susskind, William Layton, Eric Ralph, Ken Lynch, and Jack Erb. The purpose of the meeting was to discuss the Commission’s collection of data to assess competitive conditions in the special access market.

ACA has approximately 850 members that distribute video programming and most also provide voice and broadband services primarily to residential customers. More recently, some of these local providers have also begun to offer service to business customers, including dedicated (special access) circuits. For virtually all of ACA’s members, this is either a non-existent or relatively small part of their business. Yet, ACA understands that where its members are more significant participants in the provision of dedicated circuits, those activities are relevant to the Commission’s analysis of the special access market.

ACA first discussed with Commission staff the necessity of ensuring that any data request has a *de minimis* threshold for participation. There is no reason to burden smaller entities that are insignificant participants in the market and thus whose data would be of little or no use in the Commission’s analysis. After all, even larger carriers that are major providers of special access

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circuits have urged the Commission not to collect certain data from them because it would impose unwarranted burdens without commensurate benefits.¹ In addition, ACA discussed the fact that often its members have no commercial reason to maintain special access data the Commission may find relevant or, if they do so, keep it in formats easily accessible and similar to that of incumbent carriers. ACA thus encouraged the staff to provide sufficient flexibility in terms of the format in which data is gathered and submitted.

ACA closed the meeting by stating it continues to discuss these issues with its members and intends to produce additional information that should be of use to the Commission in honing the data request.

This letter is being filed electronically pursuant to section 1.1206 of the Commission's rules.

Sincerely,



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cc: Nick Alexander
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William Layton
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Ken Lynch
Jack Erb

¹ See e.g., *Verizon Ex Parte*, WC Docket No. 05-25 and RM-10593 (Sept. 18, 2012).